

### REMARKS

This application has been reviewed in light of the Office Action dated February 24, 2006. Claims 1-13 are presented for examination, of which Claims 1 and 12 are in independent form. Claims 1 and 12 have been amended to define more clearly what Applicants regard as their invention. Favorable reconsideration is requested.

In response to the objection to the drawings, the specification has been amended to delete reference number 100, which was not depicted in the drawings, and add reference number 128, shown in Fig. 1. No new matter has been added. It is believed that the objection has been overcome and its withdrawal is respectfully requested.

Claims 1-13 were rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent Application Publication No. 2002/0120519 A1 ("Martin").

Martin relates to a distributed information system used to collect and correlate user information with products and services. One method includes providing a terminal in a store, which is networked to a server having item and services databases, receiving an indication from a customer that the customer wants to purchase a first item-type, receiving profile information related to the first-item type from the customer, and based on the profile information, selecting a plurality of items from the item database corresponding to the first item-type and a plurality of related services of a first service type from the services database.

Martin also discusses, at page 1, a method by which utility suppliers are provided with information related to consumers of utility services or products, such as electricity, gas, water, telecommunication services, cable, broadband services, heating oil, and other related products and services. Based on the consumer information, one or more

suppliers may generate offers, which are then provided to the consumers. The customer's characteristics or preferences may include a desired price of the products or services.

These customer characteristics may also relate to the customer usage of a product or service, such as customer's usage amount, usage location, and time of usage, and/or to financial characteristics, including credit worthiness, payment history, assets, debt, and related characteristics.

Nothing has been found or pointed out in Martin that would teach or suggest a method for facilitating interaction between a consumer and a merchant that includes:

(1) receiving offer information from the merchant via a broadcast that reaches a plurality of potential consumers, wherein the offer information relates to a product; (2) retrieving consumer preference information from a database resident on equipment associated with the consumer; (3) customizing the offer information received from the merchant via the broadcast with the consumer preference information to create an amended offer; and (4) transmitting the amended offer to a display for viewing by the consumer, the amended offer specifying a method of acceptance, as recited in Claim 1.

Among the advantages provided by these claimed features, is that merchants can target specific consumers within a broadcast audience, as is explained in the present application:

[0007] At the same time, it is well understood that the needs and wants of individual viewers within a viewing audience may vary greatly. Yet, advertisements that are adapted to be presented via traditional means, such as via television or radio broadcast, are typically presented without any consideration or adjustment for variations within the viewing audience. This is largely due to the fact that no satisfactory mechanism currently exists for adjusting a presentation based on real-time feedback from a [consumer]. In addition, advertisements for presentation via television broadcast are typically prepared well in advance of their broadcast. Accordingly, such

advertisements are designed to consumer the largest portion of the viewing audience and are typically fixed, being incapable of modification in response to feedback from one or more viewer. Thus, the content of such advertisements may not hold any significant appeal for significant portions of the consumer audience. Further, the non-targeted portions of the audience are typically those falling outside the mainstream.

While some degree of individual targeting of consumers can be achieved with conventional Internet websites, such systems require the user to actively seek out the goods or services in question (see specification at paragraphs 8 and 9).

The Office Action refers to page 1, paragraph 12 with respect to certain features of Claim 1. However, this portion of Martin merely describes a system in which the consumer sends information to the utility companies, which in turn send an offer to the consumer based on that information. The Office Action also refers to page 7, paragraph 83, but this cited portion merely describes the collection of information from the consumer at a terminal in a store and the subsequent offering of products to the consumer via the terminal. Neither of these cited portions teaches or suggests the claimed steps discussed above.

Accordingly, Applicants submit that Claim 1 is not anticipated by Martin, and respectfully request withdrawal of the rejection under 35 U.S.C. § 102(b).

Independent Claim 12 recites features similar to those discussed above with respect to Claim 1 and therefore is also believed to be patentable over Martin for the reasons discussed above.

The other rejected claims in this application depend from one or the other of the independent claims discussed above and, therefore, are submitted to be patentable for at least the same reasons. Since each dependent claim is also deemed to define an additional

aspect of the invention, individual reconsideration of the patentability of each claim on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicants respectfully request favorable reconsideration and early passage to issue of the present application.

Applicant's undersigned attorney may be reached in our New York Office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,

A handwritten signature in cursive script, reading "Carl B. Wischhusen".

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